IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 19839 of 2006(J)

PETITIONER:

DR.A.RAMLA BEEVI, SELECTION GRADE LECTURER IN HINDI (RETIRED), PUTHUVAL VILLA HOUSE, KIZHUVALAM P.O., MAMOM, ATTINGAL-695 104.

BY ADV. SRI.JOSHI N.THOMAS

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DIRECTOR OF COLLEGIATE EDUCATION, `VIKAS BHAVAN', P.M.S.JUNCTION, THIRUVANANTHAPURAM.**
3. **THE ADDITIONAL DIRECTOR OF COLLEGIATE EDUCATION, CONVENOR, SCREENING/SELECTION COMMITTEE, DEPARTMENT OF COLLEGIATE EDUCATION, THIRUVANANTHAPURAM.**
4. **THE ACCOUNTANT GENERAL (A & E), KERALA, P.B.NO.5707, M.G.ROAD, THIRUVANANTHAPURAM.**

BY SR. GOVERNMENT PLEADER SRI. T.T. MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.19839/2006 J

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE SERVICE CERTIFICATE DTD. 18/02/1997 ISSUED BY THE PRINCIPAL, C.K.G.MEMORIAL GOVERNMENT COLLEGE, PERAMBRA.**

EXT.P2: **COPY OF THE ORDER NO.UGC CELL-111/45566/2001/COLL. EDN. DTD. 15/12/2001 ISSUED BY THE 3RD RESPONDENT.**

EXT.P3: **COPY OF CIRCULAR UGC CELL.1(1)32674/90/COLL.EDN. DTD. 14/10/1991 ISSUED BY THE 2ND RESPONDENT.**

EXT.P4: **COPY OF JUDGMENT DTD. 22/01/2004 IN WP(C) NO.17103/2003 OF THIS HON'BLE COURT.**

EXT.P5: **COPY OF ORDER UGC CELL 3(1)/12776/2002/COLL.EDN. THIRUVANANTHAPURAM DTD. 20/07/2004 ISSUED BY THE 3RD RESPONDENT.**

EXT.P6: **COPY OF ORDER UGC CELL 111(1)/12776/02/COLL. EDN. THIRUVANANTHAPURAM DTD. 13/07/2005 ISSUED BY THE 3RD RESPONDENT.**

EXT.P7: **COPY OF THE ORDER NO.20464/F1/2005/H.EDN. DTD. 30/11/2005 ISSUED BY THE 1ST RESPONDENT.**

EXT.P8: **COPY OF ORDER NO.UGC CELL.111(2) 32442/2005/COLL.EDN. DTD. 30/12/2005 ISSUED BY THE 3RD RESPONDENT.**

/TRUE COPY/

P.A.TO JUDGE

KSS

S. SIRI JAGAN, J.

WP(C).No. 19839 OF 2006 J

Dated this the 25th October, 2007.

JUDGMENT

The petitioner in this writ petition seeks the benefit of reckoning of her past broken service for the purpose of placement in the senior scale in accordance with the government order adopting the UGC scheme for benefits to college lecturers in Kerala. According to the petitioner she had temporary service from 5.11.1975 to 30.3.1976 at C.K.G. Memorial Government College, perambra. Thereafter petitioner entered regular service as per advise of the PSC on 7.9.1982. Petitioner had thereafter availed leave without allowances from 16.6.1983 and rejoined duty on 13.9.90. It was only meanwhile that the UGC scheme was introduced. As per the scheme the Lecturers were entitled to placement in senior scale after a period of eight years of service. The relevant government order prevailing at that time stipulated that past service also would be counted for the purpose of such placement. The petitioner claimed reckoning of her past service for the period from 5.11.1975 to 30.3.1976 also for the purpose of placement. The same was rejected by Exts.P5 and P7 orders. The petitioner seeks quashing of Exts. P5 and P7 orders

and a declaration that the broken period of service of the petitioner from 5.11.1975 to 30.3.1976 also be counted for the purpose of placement.

2. I have heard the learned counsel for the Govt. Pleader also. The Govt. Pleader would submit that in view of G.O(P) 171/99/H.Edn dated 21.12.1999 only broken service of more than one year duration would qualify for computation of service for the purpose of placement.

3. I am of the opinion that the said G. O would not apply to the petitioner's case since if the broken period of service is also counted she would be entitled to placement and before the G.O(P) 171/99 came into force. In such circumstances petitioner's claim for placement should be considered with reference to the previous G.O in force. The question of computation of broken periods of service for the purpose of placement under the earlier G.O came up for consideration of this Court in several judgments and in the judgment referred to in Ext.P8 viz., W.P(C) 18882/05, this Court had held that broken periods of service would also qualify for reckoning service for placement. The petitioner is also entitled to benefit of that judgment. Therefore Exts.P5 and P7 are quashed and the third respondent is

directed to pass fresh orders regarding placement of the petitioner in senior scale taking into account the past service for the period from 5.11.1975 to 30.3.2976 also along with her regular service for the purpose of placement. However, I make it clear that the qualifying period for such placement should be reckoned as eight years as provided in the G.O in force prior to G.O(P)171/99/H.Edn and not six years as stipulated in G.O(P) 171/99 dated 21.12.1999. Petitioner shall also be given consequential monetory benefits. This shall be done within two months from the date of receipt of a copy of this judgment. Writ petition is disposed of accordingly.

S. SIRI JAGAN
Judge

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